

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
LYNCHBURG DIVISION**

CONSUELO P. TABB,

*Plaintiff,*

v.

COMMISSIONER OF SOCIAL SECURITY,

*Defendant.*

CIVIL ACTION No. 6:11-cv-00053

ORDER

NORMAN K. MOON  
UNITED STATES DISTRICT JUDGE

I referred this case to United States Magistrate Judge Robert S. Ballou for proposed findings of fact and a recommended disposition. Upon consideration of the parties' cross motions for summary judgment, Judge Ballou conducted a hearing and then filed a Report and Recommendation ("Report") that the case be remanded to the Commissioner of Social Security (the "Commissioner"). After a review of the entire record in this case, and no objection having been filed to the Report's recommended disposition within fourteen days of its service upon the parties, I hereby **ADOPT** the Report (docket no. 21) in its entirety. Accordingly, the Commissioner's motion for summary judgment (docket no. 17) is **DENIED**; Plaintiff's motion for summary judgment (docket no. 14) is **GRANTED, in part**; and this matter is **REVERSED and REMANDED** to the Commissioner, pursuant to sentence four of 42 U.S.C. § 405(g), with instructions, as set forth in detail in the Report, for the Administrative Law Judge ("ALJ") to consider the opinion of Dr. Philips and the additional evidence submitted by Dr. Brown after the hearing of June 29, 2010, and for the ALJ accordingly to reexamine his credibility and residual functional capacity determinations. Any other pending motions are **DENIED as MOOT**, and this action is **DISMISSED** from the court's active docket.

The Clerk of the Court is directed to send a certified copy of this order to all counsel of record and to United States Magistrate Judge Robert S. Ballou.

It is so **ORDERED**.

**ENTERED** this 26<sup>th</sup> day of November, 2012.

  
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NORMAN K. MOON  
UNITED STATES DISTRICT JUDGE